



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Timothy V. Stagg, et al.

Serial No.: 09/728,697
Filed: 12/1/2000
For: PLASTIC FILM PACKAGING
WITH TEARABLE TAPE
STRIP

Group Art Unit: 1761

Examiner: Madsen, Robert A.

Docket No.: 5418678017

Patent
ORIGINAL FILED
1761/4
07-16-02
RW

**RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This response is to the Office Action mailed May 7, 2002. Claims 1-55 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-52 are said to be drawn to a packaged article, including food, and the method of packaging the article, with no class or subclass listed; and
- II. Claims 53-55 are said to be drawn to a method of opening a packaged article, classified in Class 53, subclass 492.

Applicant hereby elects Group I (claims 1-52).

The claims are said to be directed toward the following patentably distinct species:

Species I (claims 1-33, 35-39, and 41-52, classified in class 426, subclass 492, drawn to food products;

Species II (claims 1-32, 34-38, and 40-52), classified in class 53, subclass 464, drawn to a plurality of articles (non-food products).

Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as First Class Mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date:

June 6, 2002

Signature

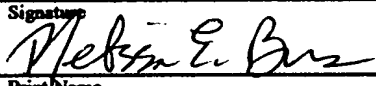
G Joyce M. Courtney

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Applicants provisionally elect the following species: Species I, food products, classified in class 426, subclass 492. The selected species reads on claims 1-52, with traverse. Applicants believe Species I reads on claims 1-52, including claim 34 and 40 because neither claim is limited to non-food products. For example, "a plurality of products," as recited in claim 34 is broad enough include a plurality of food products. As another example, "an article having an irregular shape," as recited in claim 40 is broad enough to include a food product that is irregularly shaped. As a result, Applicants believe claims 1-52 read on Species I "food products." Also, Applicants provisionally elect a species with the proviso that if no prior art is found that reads on the elected species, the Patent Office will search the genus.

Respectfully submitted,

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